

Town of Frederick Town Board



Eric Doering, Mayor

Tony Carey, Mayor Pro Tem
Amy Schiers, Trustee
Sue Wedel, Trustee

Rafer Burnham, Trustee
Fred Skates, Trustee
Jim Wollack, Trustee

IM 2010- 014

MEMORANDUM OF AGREEMENT FOR PUBLIC IMPROVEMENTS UPDATES

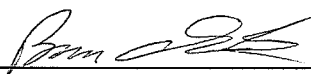
Agenda Date: Town Board Meeting - October 26, 2010

Attachments: a. Current version of MOAPI base document

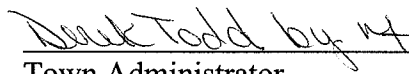
Issue/Request:

There have been numerous changes to the base document of the Memorandum of Agreement for Public Improvements (MOAPI) in the past 18 months. These changes are mostly the result of development related items that have been brought to the Board through AMs in the past. These and other grammatical and format changes have been incorporated into the MOAPI base document. Because the MOAPI's are processed administratively, staff wishes to ensure that the Board is comfortable with the current base document.

Submitted by:


Brian Frank, Staff Engineer

Approved for Presentation:


Town Administrator

AV Use Anticipated

Projector _____ Laptop _____

Certification of Board Review:

Town Clerk

Date

Detail of Issue/Request:

Changes to the MOAPI have been made in the last 18 months to stay consistent with actions taken by the Town Board. The changes to the MOAPI base document include: (Section 1.4) correcting wording that stated construction plans are valid for three (3) years for the time of acceptance which conflicts with the Town's approved Design Standards which states a time period of one (1) year; (Sections 1.8 & 1.10) specifying that acceptance for public improvements shall be requested through the Town's Engineering

Department; (Section 1.12) updates amount of guarantee that is required from ten percent (10%) to one hundred percent (100%) as directed by Ordinance on September 8, 2009 which was a Municipal Code change; (Section 7) includes language that makes it clear that electric facilities that are constructed as part of a development to serve that development will be owned by the Town once the public improvements receive final acceptance and that electrical fees and deposits shall be paid to the Town, not United Power; (Section 14.16) section was deleted that states attorney fees shall be paid by the defaulting party in the case of a default. These changes should help prevent confusion for the developers by not conflicting with the Town's Municipal Code and Design Standards. The Board has given staff the authority to review and approve MOAPI documents that are consistent with the adopted standards and policies as reflected in Resolution 10R012 dated February 23, 2010. MOAPIs that are not consistent with Town adopted standards and policies or that include variances or waivers that have not been previously approved by the Board will be brought to the Board for approval.

Legal/Political Considerations:

Various housekeeping amendments to the base MOAPI development agreement will update the document to follow current Town practices; however, changes to the terms of this agreement may not alter prior arrangements/commitments that the Town has with utility providers.

Alternatives/Options:

The alternative to these changes are to not include them in the Town's MOAPI and revert to the previous version. A second alternative is to strike the sections out of the MOAPI that are addressed in the Municipal Code and/or Design Standards.

Financial Considerations:

Not Applicable

Staff Recommendation:

This is an informational item presented to see if the Board has any questions or concerns with the current MOAPI base document. No action is necessary.